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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

OMAR STRATMAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. A02-0290 CV (JKS)
)	
LEISNOI, INC., KONIAG, INC., and)	
GALE A. NORTON, Secretary of the)	
Interior,)	
)	
Defendants.)	
_____)	

Conditional Non-Opposition to Motion For Extension of Time

Omar Stratman has requested an extension of time to file his Opposition. Koniag has no objection to that request. The Secretary also has a conditional non-opposition to Mr. Stratman's request, so long as he may have until July 13th to Reply. Koniag has no objection to that request either, and joins in it. Koniag similarly requests that it be given the same time to reply.

Mr. Stratman also requests that he be allowed to file "a cross-motion [to] seek the Court's confirmation and enforcement of Leisnoi's decertification". Affidavit of Michael Schneider, p.4, paragraph 3. Koniag's counsel indeed spoke with Mr. Stratman, (See

Conditional Non Opposition to Motion to Extend
A02-0290 CV

Declaration of R. Collin Middleton) but not about cross or counter motions, only that the remedy phase, if necessary, was not ripe for briefing at this time.

The position of Koniag has been set out at length in its Memorandum in Support of Motion To Dismiss Re: Chevron Deference Under ANILCA Section 1427, at docket 145, pps. 3 and 4. There, on page 4, Koniag stated:

Koniag does not understand that this Court wishes briefing on the underlying merits which the Secretary found were mooted by Congressional ratification in ANILCA.

And, Koniag gave reasons for this conclusion, including the lack of a full administrative record of the all the Department's proceedings, and lack of a final agency action in the event the Secretary's decision is not dispositive.

For these reasons, Koniag joins with Leisnoi and The Secretary, and has no objection to Mr. Stratman's requested allowance of additional time to file. Koniag joins with the Secretary in setting the briefing time for a reply to July 13th. And, finally, Koniag objects to the filing of any motion going to the merits of the "confirmation and enforcement of Leisnoi's decertification" as proposed by Mr. Stratman.

DATED at Anchorage, Alaska this _____ day of, 2007.

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Certificate of Service

The undersigned certifies that the
Motion to Dismiss Re Chevron
Deference and ANILCA 1427
was served by mail on this ____ day of
_____, 2007.

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